

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO: 3:06CV234**

**INTERNATIONAL CONSULTING)
ASSOCIATES, INC. and DONALD)
SHEDROW,)
 Plaintiffs,)**

vs.)

**BRENTON-ROTH ENTERPRISES, LLC,)
et al.,)
 Defendant.)**

ORDER

THIS MATTER IS BEFORE THE COURT on the Defendants’ “Rule 55(c) Motion to Set Aside Entry of Default” and “Memorandum in Support ...” (Document No. 12) filed July 13, 2006; the “Plaintiffs’ Memorandum of Law Re Defendants’ Rule 55(c) Motion to Set Aside Entry of Default” (Document No. 13) filed July 18, 2006; and the Plaintiffs’ “Motion for Extension of Time Pursuant to F.R.C.P. 6(b)” (Document No. 11) filed July 12, 2006.

Having reviewed the case in its entirety, the Court finds that the Clerk’s default Order (Document No. 5) entered on June 29, 2006, was in error. The Defendants (then *pro se*) had requested and been granted an extension of time pursuant to an ex parte sealed motion and proposed order, up to and including June 28, 2006, in which to file responsive pleadings to the Plaintiffs’ Complaint. Thereafter, the Defendants timely filed pre-Answer motions (Document Nos. 7 and 8) on June 28, 2006. Therefore, for good cause shown, and with the Plaintiffs’ consent, the Court will grant the Defendants’ motion to set aside the clerk’s entry of default pursuant to Fed. R. Civ. P. 55(c).

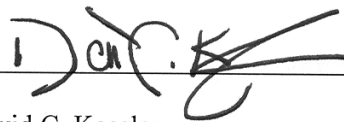
The Plaintiffs request an extension of time in which to reply to the Defendants' pre-Answer motions (Document Nos. 7 and 8), up to and including July 24, 2006. The Defendants have no objection to this request.

IT IS, THEREFORE, ORDERED that the Defendants' "Rule 55(c) Motion to Set Aside Entry of Default" (Document No. 12) is hereby **GRANTED**. The Order (Document No. 5) granting the Plaintiffs' Motion for Entry of Default is hereby **SET ASIDE**.

IT IS FURTHER ORDERED that the Plaintiffs' "Motion for Extension of Time Pursuant to F.R.C.P. 6(b)" (Document No. 11) is hereby **GRANTED**. The Plaintiffs shall file their responses to the Defendants' pre-Answer motions (Document Nos. 7 and 8) on or before July 24, 2006.

IT IS FURTHER ORDERED, in order to clear up the docket in this matter, that the Defendants' Ex Parte Motion for Extension of Time and the Court's Order granting that motion (Document Nos. 2 and 3) shall be **UNSEALED**.

Signed: July 19, 2006



David C. Keesler
United States Magistrate Judge

